

TEXAS ADMINISTRATIVE CODE

TITLE 25	HEALTH SERVICES
PART 1	DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 97	COMMUNICABLE DISEASES
SUBCHAPTER B	IMMUNIZATION REQUIREMENTS IN TEXAS ELEMENTARY AND SECONDARY SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION

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- (a) The vaccine requirements apply to all children and students entering, attending, enrolling in, and/or transferring to child-care facilities or public or private primary or secondary schools or institutions of higher education.
- (b) The vaccines required in this section are also required for all children in the State of Texas, including children admitted, detained, or committed in Texas Department of Criminal Justice, Department of State Health Services, and Texas Youth Commission facilities.
- (c) The vaccine requirements are adopted as a statewide control measure for communicable disease as defined in Health and Safety Code, § 81.081 and § 81.082.

Exclusions from compliance are allowable on an individual basis for medical contraindications, reasons of conscience, including a religious belief, and active duty with the armed forces of the United States. Children and students in these categories must submit evidence for exclusion from compliance as specified in the Health and Safety Code, § 161.004(d), Health and Safety Code, § 161.0041, Education Code, Chapter 38, Education Code, Chapter 51, and the Human Resources Code, Chapter 42.

- (1) To claim an exclusion for medical reasons, the child or student must present a statement signed by the child's physician (M.D. or D.O.), duly registered and licensed to practice medicine in the United States who has examined the child, in which it is stated that, in the physician's opinion, the vaccine required is medically contraindicated or poses a significant risk to the health and well-being of the child or any member of the child's household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.
- (2) To claim an exclusion for reasons of conscience, including a religious belief, a signed affidavit must be presented by the child's parent or legal guardian, stating that the child's parent or legal guardian declines vaccinations for reasons of conscience, including because of the person's religious beliefs. The affidavit will be valid for a two-year period. The child, who has not received the required immunizations for reasons of conscience, including religious beliefs, may be excluded from school in times of emergency or epidemic declared by the commissioner of public health.
 - (A) A person claiming exclusion for reasons of conscience, including a religious belief, from a required immunization may only obtain the affidavit form by submitting a written request to the department. The request must include the following:
 - (i) full name of child; and
 - (ii) child's date of birth (month/day/year).
 - (B) Requests for affidavit forms must be submitted to the department through one of the following methods:

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- (i) written request through the United States Postal Service (or other commercial carrier) to the department at: DSHS Immunization Branch, Mail code 1946, P.O. Box 149347, Austin, Texas 78714-9347;
 - (ii) by facsimile at (512) 458-7544;
 - (iii) by hand-delivery at the department's physical address at 1100 West 49th Street, Austin, Texas 78756; or
 - (iv) via the department's Immunization program Internet website (go to www.ImmunizeTexas.org).
- (C) Upon request, one affidavit form for each child will be mailed unless otherwise specified (shall not exceed a maximum of five forms per child).
- (D) The department shall not maintain a record of the names of individuals who request an affidavit and shall return the original request (where applicable) with the forms requested.
- (3) To claim an exclusion for armed forces, persons who can prove that they are serving on active duty with the armed forces of the United States are exempted from the requirements in these sections.

Every child in the state shall be vaccinated against vaccine-preventable diseases caused by infectious agents, in accordance with the following immunization schedule. While the department recommends that providers immunize children according to the recommendations found on the department's website at www.ImmunizeTexas.com, this section sets out minimum immunization requirements for school entry for the child. A copy of the current recommended schedule is available at www.ImmunizeTexas.com, or by mail by writing the Department of State Health Services, Mail Code 1946, P.O. Box 149347, Austin, Texas 78714-9347.

- (1) For those vaccines for which it is stated in this section that a certain dose must be received on or after a certain birthday, a vaccine administered up to four days prior to the deadline is considered compliant with that deadline.
- (2) For diseases listed below, a child or student shall show acceptable evidence of vaccination prior to entry, attendance, or transfer to a child-care facility or public or private elementary or secondary school.
 - (A) Children enrolled in child-care facilities, pre-kindergarten, or early childhood programs shall be immunized against: diphtheria, pertussis, tetanus, poliomyelitis, *Haemophilus influenzae* type b (Hib), measles, mumps, rubella, hepatitis B, hepatitis A, invasive pneumococcal, and varicella diseases. In recognition of the fact that immunization needs vary depending on the age of the child, the minimum number of doses required for each vaccine is indicated in the schedule below:

Rule § 97.63 Immunization Requirements in Child-Care Facilities, Pre-Kindergarten, Early Childhood Programs, and Texas Elementary and Secondary Schools (continued)

Figure: 25 TAC § 97.63(2)(A)

Minimum Number of Doses Required of Each Vaccine								
Child's age at entry into child-care, early childhood programs, or pre-kindergarten	DTaP	Polio	Hep B	Hib	PCV	MMR	Varicella	Hep A
0 through 2 months	None	None	None	None	None	None	None	None
3 months through 4 months	1 Dose	1 Dose	1 Dose	1 Dose	1 Dose	None	None	None
5 months through 6 months	2 Doses	2 Doses	2 Doses	2 Doses	2 Doses	None	None	None
7 months through 15 months	3 Doses	2 Doses	2 Doses	2 Doses**	3 Doses***	None	None	None
16 months through 18 months	3 Doses	2 Doses	2 Doses	3 Doses**	4 Doses***	1 Dose*	1 Dose*	None
19 months through 24 months	4 Doses	3 Doses	3 Doses	3 Doses**	4 Doses***	1 Dose*	1 Dose*	None
25 months through 42 months	4 Doses	3 Doses	3 Doses	3 Doses**	4 Doses***	1 Dose*	1 Dose*	1 Dose*
43 months but before Kindergarten entry	4 Doses	3 Doses	3 Doses	3 Doses**	4 Doses***	1 Dose*	1 Dose*	2 Doses*

*For MMR, Varicella, and Hepatitis A vaccines, the first dose must be given on or after the first birthday.

**A complete Hib series is two doses plus a booster dose on or after 12 months of age (three doses total). If a child receives the first dose of Hib vaccine at 12-14 months of age, only one additional dose is required (two doses total). Any child who has received a single dose of Hib vaccine on or after 15 months of age is in compliance with these specified vaccine requirements.

***If the PCV series is started when a child is seven months of age or older, then all four doses are not required.

- For children seven through 11 months of age, two doses are required.
- For children 12-23 months of age: if three doses have been received prior to 12 months of age, then an additional dose is required (total of four doses) on or after 12 months of age. If one or two doses were received prior to 12 months of age, then a total of three doses are required with at least one dose on or after 12 months of age. If zero doses have been received, then two doses are required with both doses on or after 12 months of age.
- Children 24 months through 59 months meet the requirement if they have at least three doses with one dose on or after 12 months of age, or two doses with both doses on or after 12 months of age, or one dose on or after 24 months of age. Otherwise, one additional dose is required.

(B) Students in kindergarten through twelfth grade shall have the following vaccines, according to the schedule listed.

(i) Poliomyelitis.

(l) Kindergarten entry. Students are required to have four doses of polio vaccine--one of which must have been received on or

after the fourth birthday. Or, if the third dose was administered on or after the fourth birthday, only three doses are required. Four doses of oral polio vaccine (OPV) or inactivated poliovirus vaccine (IPV) in any combination by age four to six years old is considered a complete series, regardless of age at the time of the third dose.

- (II) Polio vaccine is not required for persons eighteen years of age or older.

- (ii) Diphtheria/Tetanus/Pertussis.
 - (I) Kindergarten entry. Students are required to have five doses of a diphtheria/tetanus/pertussis-containing vaccine-one of which must have been received on or after the fourth birthday. Or, if the fourth dose was administered on or after the fourth birthday, only four doses are required.

 - (II) Students seven years of age or older. Students seven years of age or older are required to have at least three doses of a tetanus/diphtheria-containing vaccine, provided at least one dose was administered on or after the fourth birthday. Any combination of three doses of a tetanus/diphtheria-containing vaccine will meet this requirement.

 - (III) Tdap.
 - (-a-) For the school year (SY) 2008 - 2009 through the end of any summer session of the SY 2008 - 2009, students are required to have one dose of a tetanus/diphtheria-containing vaccine within the last ten years.

 - (-b-) Seventh grade. Beginning SY 2009 - 2010, students will be required to have one booster dose of a tetanus/diphtheria/pertussis-containing vaccine for entry into the 7th grade, if at least five years have passed since the last dose of a tetanus-containing vaccine. If five years have not elapsed since the last dose of a tetanus-containing vaccine at entry into the 7th grade, then this dose will

become due as soon as the five-year interval has passed. Td vaccine is an acceptable substitute, if Tdap vaccine is medically contraindicated.

(-c-) Grades 8 - 12. Beginning SY 2009 - 2010, students who have not already received Tdap vaccine are required to receive one booster dose of Tdap when ten years have passed since the last dose of a tetanus-diphtheria-containing vaccine.

(IV) Children who were enrolled in school, grades K - 12, prior to August 1, 2004, and who received a booster dose of DTaP or polio vaccine in the calendar month of (or prior to) their fourth birthday, shall be considered in compliance with clause (i)(I) (polio) and clause (ii)(I) (DTaP) of this subparagraph.

(iii) MMR.

(I) For the SY 2008 - 2009 through the end of any summer session of the SY 2008 - 2009, students are required to have two doses of a measles-containing vaccine, and one dose each of rubella vaccine and mumps vaccine.

(II) Beginning SY 2009 - 2010, students are required to have two doses of MMR vaccine with the first dose received on or after the first birthday for the following grades and school years:

(-a-) SY 2009 - 2010: K;

(-b-) SY 2010 - 2011: K - 1;

(-c-) SY 2011 - 2012: K - 2;

(-d-) SY 2012 - 2013: K - 3;

(-e-) SY 2013 - 2014: K - 4;

(-f-) SY 2014 - 2015: K - 5;

(-g-) SY 2015 - 2016: K - 6;

(-h-) SY 2016 - 2017: K - 7;

(-i-) SY 2017 - 2018: K - 8;

(-j-) SY 2018 - 2019: K - 9;

(-k-) SY 2019 - 2020: K - 10;

(-l-) SY 2020 - 2021: K - 11; and

(-m-)SY 2021 - 2022: K - 12.

(iv) Hepatitis B.

(I) Students are required to have three doses of hepatitis B vaccine no later than entry into kindergarten.

(II) In some circumstances, the United States Food and Drug Administration may officially approve in writing the use of an alternative dosage schedule for this vaccine. Such an alternative regimen may be used to meet the requirements under this section only when alternative regimens are fully documented. Such documentation must include vaccine manufacturer and dosage received for each dose of that vaccine.

(v) Varicella.

(I) For the SY 2008 - 2009 through the end of any summer session of the SY 2008 - 2009, students are required to have one dose of varicella vaccine received on or after the first birthday for grades K -12.

(II) Beginning SY 2009 - 2010, students are required to have two doses of varicella vaccine received on or after the first birthday for the following grades and school years (Two doses are

required if the child was thirteen years old or older at the time the first dose of varicella vaccine was received):

- (-a-) SY 2009 - 2010: K, 7;
- (-b-) SY 2010 - 2011: K - 1, 7 - 8;
- (-c-) SY 2011 - 2012: K - 2, 7 - 9;
- (-d-) SY 2012 - 2013: K - 3, 7 - 10;
- (-e-) SY 2013 - 2014: K - 4, 7 - 11;
- (-f-) SY 2014 - 2015: K - 5, 7 - 12; and
- (-g-) SY 2015 - 2016: K - 12.

(vi) Hepatitis A.

- (I) For the SY 2008 - 2009 through the end of any summer session of the SY 2008 - 2009, upon entry into kindergarten through third grade, two doses of hepatitis A vaccine are required for students attending a school located in a high incidence geographic area as designated by the department. The first dose shall be administered on or after the second birthday. A current list of geographic areas, for which hepatitis A is mandated for this time period, is available at [www. ImmunizeTexas.com](http://www.ImmunizeTexas.com), or by mail request at Department of State Health Services, P.O. Box 149347, Austin Texas 78714-9347.
- (II) For SY 2009 - 2010, students are required to have two doses of hepatitis A vaccine with the first dose received on or after the first birthday for the following grades and school years:
 - (-a-) SY 2009 - 2010: K;
 - (-b-) SY 2010 - 2011: K - 1;

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- (-c-) SY 2011 - 2012: K - 2;
- (-d-) SY 2012 - 2013: K - 3;
- (-e-) SY 2013 - 2014: K - 4;
- (-f-) SY 2014 - 2015: K - 5;
- (-g-) SY 2015 - 2016: K - 6;
- (-h-) SY 2016 - 2017: K - 7;
- (-i-) SY 2017 - 2018: K - 8;
- (-j-) SY 2018 - 2019: K - 9;
- (-k-) SY 2019 - 2020: K - 10;
- (-l-) SY 2020 - 2021: K - 11; and
- (-m-)SY 2021 - 2022: K - 12.

(vii) Meningococcal. Students are required to have one dose of meningococcal vaccine for the following grades and school years:

- (I) SY 2009 - 2010: 7;
- (II) SY 2010 - 2011: 7 - 8;
- (III) SY 2011 - 2012: 7 - 9;
- (IV) SY 2012 - 2013: 7 - 10;
- (V) SY 2013 - 2014: 7 - 11; and
- (VI) SY 2014 - 2015: 7 - 12.

**Required Vaccinations for Students Enrolled in Health-related
and Veterinary Courses in Institutions of Higher Education**

- (a) Students enrolled in (non-veterinary) health-related courses. This section applies to all students enrolled in health-related higher education courses which will involve direct patient contact with potential exposure to blood or bodily fluids in educational, medical, or dental care facilities.
- (b) Vaccines Required. Students must have the all the following vaccinations before they may engage in the course activities described in subsection (a) of this section:
 - (1) Tetanus-diphtheria. One dose of a tetanus-diphtheria toxoid (Td) is required within the last ten years. The booster dose may be in the form of a tetanus-diphtheria-pertussis containing vaccine (Tdap).
 - (2) Measles, Mumps, and Rubella Vaccines.
 - (A) Students born on or after January 1, 1957, must show, prior to patient contact, acceptable evidence of vaccination of two doses of a measles-containing vaccine administered since January 1, 1968 (preferably MMR vaccine).
 - (B) Students born on or after January 1, 1957, must show, prior to patient contact, acceptable evidence of vaccination of one dose of a mumps vaccine.
 - (C) Students must show, prior to patient contact, acceptable evidence of one dose of rubella vaccine.
 - (3) Hepatitis B Vaccine. Students are required to receive a complete series of hepatitis B vaccine prior to the start of direct patient care or show serologic confirmation of immunity to hepatitis B virus.
 - (4) Varicella vaccine. Students are required to have received one dose of varicella (chickenpox) vaccine on or after the student's first birthday or, if the first dose was administered on or after the student's thirteenth birthday, two doses of varicella (chickenpox) vaccine are required.
- (c) Limited Exceptions:
 - (1) Notwithstanding the other requirements in this section, a student may be provisionally enrolled in these courses if the student has received at least one dose of each specified vaccine prior to enrollment and goes on to complete

each vaccination series on schedule in accordance with the Centers for Disease Control and Prevention's Recommended Adult Immunization Schedule as approved by the Advisory Committee on Immunization Practices (ACIP), American College of Obstetricians and Gynecologists (ACOG), the American Academy of Family Physicians (AAFP), and the American College of Physicians. However, the provisionally enrolled student may not participate in coursework activities involving the contact described in subsections (a) and/or (d) of this section until the full vaccination series has been administered.

- (2) Students, who claim to have had the complete series of a required vaccination, but have not properly documented them, cannot participate in coursework activities involving the contact described in subsections (a) and/or (d) of this section until such time as proper documentation has been submitted and accepted.
 - (3) The immunization requirements in subsections (b) and (d) of this section are not applicable to individuals who can properly demonstrate proof of serological confirmation of immunity. Vaccines for which this may be potentially demonstrated, and acceptable methods for demonstration, are found in §97.65 of this title (relating to Exceptions to Immunization Requirements [Verification of Immunity/History of Illness]). Such a student cannot participate in coursework activities involving the contact described in subsection (a) of this section until such time as proper documentation has been submitted and accepted.
- (d) Students enrolled in schools of veterinary medicine.
- (1) Rabies Vaccine. Students enrolled in schools of veterinary medicine whose coursework involves direct contact with animals or animal remains shall receive a complete primary series of rabies vaccine prior to such contact. Serum antibody levels must be checked every two years, with a booster dose of rabies vaccine administered if the titer is inadequate according to current Centers for Disease Control and Prevention guidance.
 - (2) Hepatitis B Vaccine. Students enrolled in schools of veterinary medicine whose coursework involves direct contact with animals or animal remains shall receive a complete series of Hepatitis B vaccine prior to such contact.
- (e) Requirements regarding acceptable evidence of vaccination are found at §97.68 of this title (relating to Acceptable Evidence of Vaccination[s]).

- (a) Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella, are acceptable. Evidence of measles, rubella, mumps, hepatitis A, or hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates confirmation of either immunity or infection.
- (b) A written statement from a parent (or legal guardian or managing conservator), school nurse, or physician attesting to a child's positive history of varicella disease (chickenpox), or of varicella immunity, is acceptable in lieu of a vaccine record for that disease (see form at <http://www.dshs.state.tx.us/immunize/docs/c-9.pdf>).

- (a) The law requires that students be fully vaccinated against the specified diseases. A student may be enrolled provisionally if the student has an immunization record that indicates the student has received at least one dose of each specified age-appropriate vaccine required by this rule. To remain enrolled, the student must complete the required subsequent doses in each vaccine series on schedule and as rapidly as is medically feasible and provide acceptable evidence of vaccination to the school. A school nurse or school administrator shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and the school shall exclude the student from school attendance until the required dose is administered.
- (b) A student who is homeless, as defined by § 103 of the McKinney Act, 42 USC § 11302, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school shall promptly refer the student to appropriate public health programs to obtain the required vaccinations.

All schools and child-care facilities are required to maintain immunization records sufficient for a valid audit or other assessment to be completed by federal, state and/or local public health officials.

- (a) Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered.
- (b) Documentation of vaccines administered that include the signature or stamp of the physician or his/her designee, or public health personnel, is acceptable.
- (c) An official immunization record generated from a state or local health authority is acceptable.
- (d) An official record received from school officials, including a record from another state, is acceptable.

- (a) A student can be enrolled provisionally for no more than 30 days if he/she transfers from one Texas school to another, and is awaiting the transfer of the immunization record.

- (b) A dependent of a person who is on active duty with the armed forces of the United States can be enrolled provisionally for no more than 30 days if he/she transfers from one school to another and is awaiting the transfer of the immunization record.

Representatives of the department and local health authorities may advise and assist schools in meeting these requirements. The department shall conduct periodic review of school immunization records in order to determine compliance with this subchapter.

Schools shall submit annual reports of the immunization status of students, in a format prescribed by the department, to monitor compliance with these requirements.

Under Texas Health and Safety Code, Chapter 81, Subchapter E, additional vaccinations may be required by the department and/or the local health authority in specific situations under the mechanism of a control order containing control measures.

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